

THE CITY OF NEW YORK
LAW DEPARTMENT
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June 23, 2023

VIA ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Torres v. the City of New York, 23 Civ. 1674 (JPC) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for the City of New York, Mayor Adams, and Louis Molina in the above-captioned matter. I write today to respectfully request a sixty day extension for these defendants deadline to respond to plaintiff's complaint from June 26, 2023 to August 25, 2023, as well as request the Court issue a sua sponte extension for all other served defendants' same deadline in this case. This is the first such request to extend defendants' deadline to answer plaintiff's complaint, and, because he is incarcerated, I write without knowledge of plaintiff's position. In light of this proposed modification, and for other reasons explained more fully below, I also ask the Court to adjourn the June 29, 2023 conference in this matter until a date after the deadline proposed herein, or, in the alternative, to set one within the parameters laid out in this letter.

Plaintiff, who currently awaits trial on second degree murder and related charges in Kings County, here challenges a number of conditions of his confinement at the West Facility and, subsequently, the George R. Vierno Center ("GRVC") on Rikers Island from December 29, 2022 to January 22, 2023. (See generally ECF No. 1). The instant allegations span a wide range of theories, from challenging DOC's implementation of the State Court's Order directing plaintiff's confinement in enhanced security measures to prevent witness tampering in his prosecution to inadequate medical attention, among others. (See *id.*). The City requested, and was subsequently granted, a sixty day extension to identify the ten John Doe defendants in this case from June 5, 2023 to August 4, 2023.

"Good cause," as articulated by Fed. R. Civ. P. 6(b)(1)(A), justifies the instant extension here. Plaintiff's complaint totals almost 100 pages and brings a variety of general

allegations against approximately thirty defendants. Given the generalized nature of the facts alleged therein, as well as the number of unidentified defendants against which he brings disparate causes of action, the additional time here is necessary to ensure the City's compliance with Fed. R. Civ. P. 11(a)'s due diligence requirement in responding to the numerous allegations in the pleading. This request is also made in light of the considerable time and resources that are necessary to comply with two other prerequisites to this case's progression—to wit, identification of ten John Doe defendants and representation of nearly thirty individuals. Further, as detailed more fully in defendants' contemporaneously filed motion to adjourn the June 29, 2023 conference in this case, the undersigned has additional work obligations that require a considerable amount of time and attention over the next two weeks. Lastly, as the proposed deadline will allow three weeks for plaintiff to amend his complaint with the officer-defendants then identified, this request may further the interests of judicial efficiency and avoid duplicative, piece-meal filings.

Defendants additionally ask the Court to adjourn the initial conference in this matter for two separate reasons. Defendants believe that it would be most prudent to hold the initial case management conference after they have filed the Valentin identifications and responsive pleading here. As such, they ask that the initial case conference scheduled for June 29, 2023 be adjourned until after the August 25, 2023 deadline to respond proposed in this letter. To the extent that the Court wishes to hold it before that date, I request that it be adjourned from June 29. On that date, I will be participating in the Law Department's mandatory trial advocacy program held for all new attorneys. I will also be unavailable for the same reason on the following days: July 10, July 11, July 12, July 18, and July 19. Second, and more to the instant point, defendants I respectfully ask that it issue a scheduling order that would allow my full participation in the Law Department program.

Accordingly, the City, Mayor Adams, and Louis Molina respectfully request a sixty day extension from June 26, 2023 to August 25, 2023 to answer plaintiff's complaint, as well as a corresponding sua sponte enlargement for all other defendants, and to adjourn the June 29, 2023 conference in this case.

Thank you for your consideration herein.

Respectfully submitted,

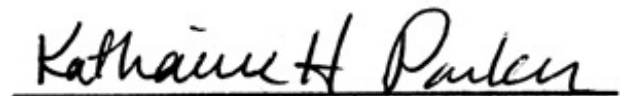
/s/ Luca Difronzo

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cc: **VIA POSTAL MAIL**
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PRO SE

APPLICATION GRANTED: The telephonic initial case management conference scheduled on Thursday, June 29, 2023 at 12:00 p.m. is hereby rescheduled to **Thursday, September 21, 2023 at 11:30 a.m.** It is hereby ORDERED that the Warden or other official in charge of the George R. Vierno Facility produce **plaintiff Ricky J. Torres., Booking #1412001935/NYSID #12922994Q, on September 21, 2023, no later than 11:30 a.m.,** to a suitable location within the GRVC Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234. The Parties are directed to review Judge Parker's Individual Rules of Practice in Civil Cases. Plaintiff is directed to complete the Proposed Case Management Plan for Pro Se Plaintiffs and mail it to The Honorable Katharine H. Parker, U.S. District Court, 500 Pearl Street Room 750, New York, New York 10007 one week before the scheduled conference. Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the George R. Vierno Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) complete the Proposed Case Management Plan For Pro Se Plaintiffs and e-mail it to Parker_NYSDChambers@nysd.uscourts.gov, and (4) telephone Judge Parker's teleconference line at (866) 434-5269, Access code: 4858267, with the plaintiff **on the line, at the time and date of the conference.**
No further extensions to be granted absent good cause
The Clerk of Court is requested to mail a copy of this order to the plaintiff.

APPLICATION GRANTED



Hon. Katharine H. Parker, U.S.M.J.

06/23/2023